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ORDINANCE NO. 2005-6

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF SUMTER COUNTY, FLORIDA, AMENDING SECTION 20-82 OF THE SUMTER COUNTY CODE TO AMEND THE CRITERIA FOR ACCEPTANCE OF UNPAVED, UNMAINTAINED ROADS INTO THE COUNTY SYSTEM, PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE SUMTER COUNTY CODE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Sumter County adopted a road acceptance, maintenance and permit policy in 2002 which has been re-examined, resulting in a recommended change in the criteria for acceptance of unpaved, unmaintained roads into the county system,

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Sumter County, Florida, as follows:

Section 1: Section 20-82(c) of the Sumter County Code is amended to read as follows:

Section 20-82(c) Unpaved, unmaintained roads.

(1) Criteria for acceptance. Acceptance of unpaved, unmaintained roads will depend on the following criteria and priority system:

a. All roads proposed for acceptance into the county connected system of county roads shall meet the minimum requirements set forth in this Code.

b. Property owners shall submit a written application to the director of public works on forms provided by the county.

c. All unpaved roads shall comply with acceptance portion of this Code with the exception of roads determined by the Board to be arterial in nature which may be funded in their entirety by the County.

d. The County Commissioners will only accept roads with at least 70 feet of right-of-way, however additional right-of-way may be required for acceptance. The road must not have a significant impact or adverse affect on environmentally sensitive or wetland areas and must not have an unusually high construction or maintenance cost due to drainage, right of way or other conditions.

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TALLAHASSEE, FLORIDA

e. The road must connect with a County maintained road and must score a minimum number of points on a rating sheet promulgated by the department of public works to include such factors as number of residences, businesses, bus trips, postal delivery issues, length and cost, environmental and drainage issues and such other factors as determined by the department.

f. A survey of the proposed right-of-way with a legal description shall be provided by the property owners. This shall include a separate and distinct legal description for each individual parcel with a designation of the owner name and address for each parcel. The survey shall delineate existing right of way and any additional right of way required.

g. 100% of all property owners located on the road shall agree to donate right-of-way. Absent unanimous consent, the road will not be accepted. Only the full length of the road sought to be accepted shall be accepted. No portion will be accepted pending consent of all owners.

h. The Board shall develop a rating system for roads being proposed for acceptance. Each road will be rated by this method and a priority listing of proposed roads shall be developed and updated as necessary. Then, as funds come available, the Board will accept roads on a priority basis established by the rating system.

g. The County, upon accepting a road will clear the right-of-way, rough grade the drainage facilities, install cross drain pipes and stabilize the roadway area as deemed appropriate by the Sumter County Department of Public Works. Property owners would be responsible for providing side drain pipes for driveway which the County would install. All side drain materials and sizes would meet County specifications.

h. The property owners shall be required to furnish executed deeds and title work to the county attorney for review prior to acceptance.

j. Further construction and improvement of any road accepted shall be subject to annual prioritization and availability of funding.

Section 2. REPEALER:

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 3. SEVERANCE:

If any section, sentence, clause, or phrase of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

Section 4. CODIFICATION:


It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Sumter County Code and the word "ordinance" may be changed to "section," "article," or other appropriate word or phrase and the sections of this Ordinance may be renumbered or relettered to accomplish such intention.

Section 5. EFFECTIVE DATE:

This ordinance shall become effective as provided by law.

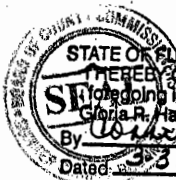
PASSED THIS 29th DAY OF March, 2005.

ATTEST: GLORIA HAYWARD
CLERK OF CIRCUIT COURT

 Kurt Stuewe
DEPUTY CLERK

BOARD OF COUNTY COMMISSIONERS
SUMTER COUNTY

Joey A Chandler
Joey Chandler, CHAIR

 STATE OF FLORIDA, COUNTY OF SUMTER
I HEREBY CERTIFY, that the above and foregoing is a true copy of the original.
By Gloria R. Hayward Clerk of Circuit Court
Dated 3-31-05 Deputy Clerk